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NATIONAL PUBLIC HEALTH LEGISLATION.

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THE perpetuity, greatness and happiness of a nation depend upon the health of its people. The physical and mental strength which characterized Greece is well known. For centuries, she repelled every invader from her shores. "She defied, and at length overthrew, the mightiest of existing empires," and finally subdued all the world to her literature, language, arts, and manners. "*Mens sana in corpore sano*" is an old apothegm. Physical debility must be followed naturally by mental weakness, and what applies to the individual units of a nation must apply to the nation as a whole.

There is nothing in the body or mind of man that is not within the purview of medical science. The medical profession has always been engaged in the development of preventive medicine, as well as in the application of the means of cure; and this work renders that profession one of the most unselfish that can be followed, for it is ever striving to prevent conditions which, if left to themselves, would result in wealth to its practitioners. Men are ever willing to pay for cure, but reluctant to pay for prevention; hence, the physician is always liable to go unrewarded for his most valuable services. The profession, at the present time, is manifesting, in a higher spirit than ever before, the purpose of suppressing infectious diseases, and this comes about largely as the result of a more perfect knowledge of the causes of disease. This preventive work was begun by Jenner over a century ago, and the awful scourge of smallpox has been stamped out wherever successful vaccination has been made compulsory. Medical science has now arrived at a degree of perfection

which renders it possible for the profession to assume the task of suppressing all of the terrible infectious diseases that desolate the world; but, to be successful in this great and humane undertaking, it must have the co-operation and support of just and reasonable sanitary laws. The knowledge of the invisible foes of human health and life which infest the air we breathe, the water we drink, and the very food we take to sustain life, was very imperfect only a few years ago; but now enough is known of their nature to enable us positively to prevent their direful work and even to destroy their existence.

Governments, in a certain way, have always done something to aid the medical profession in its endeavors to stay pestilence and save the afflicted, but they have persistently declined to make the profession a permanent, integral part of the state in framing and administering sanitary law. Yet they invariably turn to the profession for aid whenever pestilence or disease is upon them.

There has always existed one very vital and fatal defect in the fundamental principle of sanitary law as interpreted by our courts, namely, that an evil condition must actually exist before a legal remedy can be applied. This has absolutely destroyed the efficacy of much of sanitary law. Power to cope with infectious disease after it has made its appearance is insufficient power. Modern sanitation calls for legal power to prevent conditions favorable to the outbreak or continuance of disease; in other words, for power to deal with the causes of the disease instead of with the disease itself; to close the stable, so to speak, before the horse is stolen. This is the power, *par excellence*, required by, and indispensable to, the health officer of to-day. Thousands of human lives, millions of dollars, and untold happiness would be the reward of the American people, if the health authorities throughout the country were clothed with legal powers to act when, in their judgment, it appeared necessary, instead of being compelled to wait until infectious disease actually made its appearance, before taking measures to combat it.

The law is clear as to the duty of the health officer in the presence of an epidemic. His knowledge is fully respected as to what to do then. His judgment is not questioned concerning the enforcement of quarantine after disease has laid low a portion of the community. But the question when to act is left to those who can know no more about it than they can know what to do

in the face of an epidemic. The only remedy for this unfortunate state of affairs is the education of the people in regard to this great and all important subject. It is now nearly eight years since the American Medical Association, the largest medical organization in our country, recognizing the need and importance of such education, began active operations to create, through Congress, a National Department or Bureau of Public Health, with a medical and sanitary head, so equipped with national sanitary law that its whole time could be devoted to this important function, that it could co-operate with State and municipal health departments, and thus establish an efficient and far-reaching system of sanitary organization, educational as well as executive.

A committee was appointed by the association to take charge of what was understood from the start to be a slow and difficult work, but to those who have given careful attention to the matter the growth of public sentiment in favor of the scheme has been most encouraging.

Of the many bills introduced into Congress relating to public health, none has probably received more favorable consideration than the "Spooner Bill," which was presented to the Senate of the Fifty-fifth Congress by Senator Spooner of Wisconsin, and to the House by the Hon. Theobald Otjen of Wisconsin. This measure was about to come before the Senate for consideration when the war with Spain was declared, and an end to all such legislation resulted; but, when we come to consider the frightful mortality of our young soldiers in the army, from preventable diseases, it would seem that a consideration of sanitary measures merited some attention. During the last session of Congress up to the time of the war, there were two factions at work striving for increased national sanitary legislation, and the same factions will undoubtedly continue their efforts in future sessions of Congress, until one or the other is defeated. One of these factions is striving to increase the quarantine powers of the Marine Hospital Service, believing, or professing to believe, that such a course is the only wise one at present. The other faction, those who favor the "Spooner Bill," believe that such legislation would be the most effective step that could be taken to retard the progress of modern sanitation.

The Marine Hospital Service, a part of the Treasury Department, was created many years ago for the purpose of caring

for sick and disabled seamen. There is nothing in the organic law which created this service that, in any way, relates to public health service. After the termination of the National Board of Health in the eighties, it was thought necessary, on account of the existence of yellow fever in the South, and the danger of the introduction of Asiatic cholera into the country from abroad, to have some Federal supervision over quarantine. A law was enacted, accordingly, by Congress, entrusting this supervision to the Secretary of the Treasury, that is, practically, to the supervising Surgeon-General of the Marine Hospital Service. From time to time this power of supervision has been enlarged; and, during the Fifty-fifth Congress, Senator Caffery, of Louisiana, introduced and defended a bill which practically gave the supervising Surgeon-General of the Marine Hospital Service autocratic powers, so far as quarantine was concerned. This measure, however, only related to quarantine, a very inconsiderable factor in needed sanitary legislation. Moreover, the bill was very obnoxious to the majority of sanitarians and health officers in the country, inasmuch as it placed in the hands of one man powers which, if enforced, would require military aid, and this is not considered the most effectual way to advance modern sanitation. Then, again, quarantine is an antiquated method of managing infectious disease. It is always objectionable, expensive, and it works great hardship, while the whole trend of modern sanitation is towards rendering quarantine less and less necessary, and ultimately doing away with it altogether. This was the aim of the Spooner Bill. So, while one faction in the Fifty-fifth Congress was striving for a measure which pertained only to quarantine in the hands of one man, and contained features exceedingly obnoxious to a large majority of the leading sanitarians, to health officers and physicians of the country, as well as to the leading business organizations which were affected by quarantine, such as the New York Board of Trade and Transportation, the New York Chamber of Commerce, etc., the other faction was aiming at the passage of a measure broad in its inception, educational in character, harmonious in operation, and meeting the views of a larger number of sanitarians, physicians, and professional and business organizations than had favored any other bill of the kind ever previously before Congress.

This measure provides for a "National Commission of Pub-

lic Health," which shall be a bureau in the Treasury Department, the duties of which shall be to collect and disseminate information with regard to the prevalence of infectious diseases in this and other countries; to collect and publish vital statistics; to prepare rules and regulations for securing the best sanitary condition of vessels from foreign ports, and for preventing the introduction of infectious diseases into the United States, and their spread from one State or Territory to another; in short, to make investigations, publish information, and formulate rules with a view to the preservation of the public health. It is not intended that the Commission shall be a law-making body, for laws can only be enacted by Congress and State legislatures; but it has been clearly decided by the courts many times that, while a law-making body cannot delegate its law-making powers, it can delegate the power to make such rules and regulations as are necessary to carry into effect, in the most intelligent and reasonable manner, the laws already enacted. The bill provides that this Commission shall be composed of a Commissioner, a representative from each State and Territorial board of health, and a representative from the medical corps of the United States army, navy and marine hospital service. The Commissioner shall be the executive officer of the Commission; he shall be a physician of well-defined qualifications, and shall be appointed by the President, subject to confirmation by the Senate, and his term of office shall be six years. He shall also be provided with an Assistant Commissioner, and a sufficient corps of clerks, assistants, experts, and inspectors to perform the functions of the office. The Commission shall be called to meet in the city of Washington once each year, and oftener if necessary; but, for emergencies, and for obvious reasons, the Commission is wisely provided with an executive committee, consisting of the Commissioner, the representatives from the army, navy and marine hospital service medical corps, and five other members, which, elected annually by the Commission, is clothed with full powers to act, and may be convened by the Commissioner whenever it shall appear necessary. All rules and regulations made by the Commission, or by the executive committee, are subject to the approval of the President, and when approved by him they shall have the full effect of law. The Commission shall be provided with proper offices, fixtures, laboratories, and all needful apparatus to transact its busi-

ness, located in the city of Washington; and all buildings, boats, laboratories, fixtures and appliances now occupied and used by the marine hospital service for quarantine or public health purposes shall, in due time, be transferred to the Commission of Public Health; it being the intent of the measure that the marine hospital service shall perform the functions for which it was created, and that all quarantine and public health matters shall be wholly under the supervision of the Commission of Public Health.

The proposed law provides for a sufficient quarantine, and for the appointment of medical officers at foreign ports for the purpose of protection against the importation of infectious diseases from abroad, but it does not supersede existing State quarantine. It provides for co-operation with all existing State health authorities; in other words, it provides for a general supervision of all quarantine and public health matters throughout the country, but its work shall be to co-operate with existing authorities and not to supersede them in any instance, except in the presence of an epidemic, or where the local authorities are unable to cope with the disease or are inefficient, when the Commission shall have power to assist and co-operate to the extent of controlling any outbreak of disease.

In making rules and regulations every State has a voice, and by this means harmony will be maintained. The Commission being made up of men who are actually engaged in sanitary work, it will consist practically of a body of experts whose experience, when put into practical operation, will furnish the entire country with most valuable results, and constitute a great educational system of sanitation.

It has been argued that this body is too large to work to advantage, that it is cumbersome and unwieldy; but it is to be borne in mind that the Commission, as a whole, is to meet only once a year, and that the executive committee, consisting of nine members, certainly not a large body, has full power to act under all circumstances. Then, again, the rules and regulations made by the Commission are to be put in force by the Commissioner and his corps of assistants, who are always on duty.

It will be observed that the object of the entire system is to be educational as well as executive. The measure also provides for the establishment of laboratories, whenever and wherever necessary; for investigation into the causes and prevention of

disease; thereby placing our country on equality with foreign countries which are devoting much time and study to this subject. It has long been a cause of opprobrium to the medical profession of this country that it is obliged to obtain information pertaining to the character of infectious diseases from foreign countries.

A bureau so organized and equipped, and endowed with legal powers by Congress, could not fail to be one of the most powerful and efficient educational and executive sanitary systems in the civilized world. The importance of bringing all localities in the country into the best possible sanitary condition cannot be too highly estimated. This work should be accomplished during the period of development of growing municipalities. Not only would great expense be thus avoided and many lives saved, but the coming generations, by such a course, would be continually educated in the importance and value of sanitation.

These objects can only be attained by a system that will operate uniformly throughout the entire country, and it is encouraging to note that the desirableness of such an advance in national sanitary legislation is becoming fully recognized by some of the leading members of Congress, and another step will soon be taken towards placing our country in the front rank of the advancing civilized nations of the world.

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